

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FOR THE  
DISTRICT OF VERMONT

2005 OCT 24 AM 9 03

BY                       
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Case No. 2:05-cv-00043

BARRY TODD OWENS,  
Plaintiff

v.

ULTRAMAR ENERGY, INC.,  
STAR GAS PARTNERS, L.P. AND  
STAR GAS PROPANE, L.P.,  
Defendants

AND

ULTRAMAR ENERGY, INC.,  
Third Party Plaintiff

v.

GAS SUPPLY RESOURCES, INC. AND  
AMERICAN WELDING & TANK CO.,  
Third Party Defendants

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

The parties in the above-captioned action, each through its respective counsel, hereby stipulate, pursuant to Fed. R. Civ. P. 41(a)(1)(ii), to the dismissal, without prejudice, of all claims and counterclaims in the above action, each party to bear its own fees and costs, on the grounds that this Court lacks subject matter jurisdiction under 28 U.S.C. §1332.

DATED at Middlebury, Vermont this 10 day of October, 2005.

LANGROCK SPERRY & WOOL, LLP



William B. Miller, Jr.  
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(802) 388-6356

Attorneys for Plaintiff

DATED at Burlington, Vermont this 18 day of October, 2005.

POWELL ORR & BREDICE, PLC

Bret P. Powell

Bret P. Powell  
400 Cornerstone Drive, Suite 240  
Williston, VT 05495  
(802) 878-1500

Attorneys for Defendant Ultramar Energy, Inc.

DATED at Burlington, Vermont this \_\_\_\_ day of October, 2005.

DINSE KNAPP & McANDREW, P.C.

Samuel Hoar, Jr.  
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(802) 864-5751

Attorneys for Defendant Star Gas Partners, L.P. and Star  
Gas Propane, L.P.

Dated at Burlington, Vermont, this \_\_\_\_ day of October, 2005.

PAUL FRANK + COLLINS P.C.

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(802) 658-2311

Attorneys for Third-Party Defendant Gas Supply Resources,  
Inc.

DATED at Burlington, Vermont this \_\_\_\_ day of October, 2005.

POWELL ORR & BREDICE, PLC

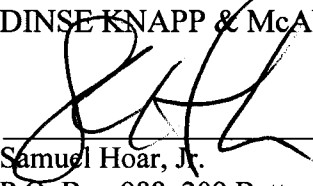
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Attorneys for Defendant Ultramar Energy, Inc.

DATED at Burlington, Vermont this 12<sup>th</sup> day of October, 2005.

DINSE KNAPP & McANDREW, P.C.



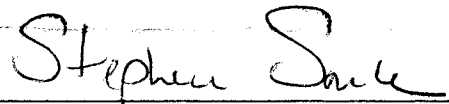
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Attorneys for Defendant Star Gas Partners, L.P. and Star  
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Dated at Burlington, Vermont, this 13<sup>th</sup> day of October, 2005.

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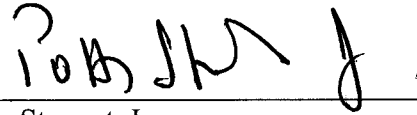
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Attorneys for Third-Party Defendant Gas Supply Resources,  
Inc.

Dated at Burlington, Vermont, this 14 day of October, 2005.

LAW OFFICES OF POTTER STEWART, JR.

A handwritten signature in black ink, appearing to read "Potter Stewart, Jr.", written over a horizontal line.

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Attorneys for Third-Party Defendant American Welding &  
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UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

BARRY TODD OWENS,  
Plaintiff

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ULTRAMAR ENERGY, INC.,  
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GAS SUPPLY RESOURCES, INC. AND  
AMERICAN WELDING & TANK CO.,  
Third Party Defendants

Civil Action

Case No. 2:05-cv-00043

**CERTIFICATE OF SERVICE**

This is to certify that on the 20<sup>th</sup> day of October, 2005, I, William B. Miller, Esq., Attorney for the Plaintiff Barry Todd Owens, served a copy of the Parties' *STIPULATION OF DISMISSAL WITHOUT PREJUDICE* upon the following, by e-mail and by mailing a copy of the same first-class, postage prepaid:

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Brattleboro, VT 05301-2868

DATED at Middlebury, Vermont this 20<sup>th</sup> day of October, 2005.

LANGROCK SPERRY & WOOL, LLP



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By: William B. Miller, Esq.  
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Attorneys for Plaintiff

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